

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUDITH STEIN individually and as an Executor of the Estate of Kenneth F. Stein, Jr. and as a beneficiary of the Estate of Kenneth F. Stein, Jr., GWENDOLYN ZEGEL and JUDITH STEIN in their capacities as trustees of a Testamentary Trust created under the Last Will and Testament of Kenneth F. Stein, DAVID S. J. NEUFELD, as an Executor of the Estate of Kenneth F. Stein, Jr., SAYVILLE FERRY SERVICE, INC., STEIN'S MARINE LIFT, INC., and KFS CORP.,

Plaintiffs,

ORDER

- against -

CV 09-1029 (TCP) (AKT)

NORTHERN ASSURANCE COMPANY OF AMERICA, ONEBEACON AMERICA INSURANCE COMPANY, ONEBEACON INSURANCE GROUP, LTD., JOHN DOE, and JANE DOE NOS. 1-4,

Defendants.

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A. KATHLEEN TOMLINSON, Magistrate Judge:

Several months ago, Defendants submitted documents which they claimed were privileged to the Court for *in camera* review. On March 30, 2012, the Court ruled that it would not make any rulings with respect to these documents until Judge Platt ruled on the viability of Plaintiff's punitive damages claim, since the documents submitted pertained to that claim. DE 121. On May 7, 2012, Judge Platt granted Defendants' motion for summary judgment on Plaintiffs' punitive damages claim. DE 122. Although the parties initially disputed whether Defendants were required to produce any of the documents submitted for *in camera* review in light of Judge Platt's ruling, *see* DE 123, 124, Defendants ultimately withdrew their objection

and agreed to produce any documents that this Court determines are not privileged. DE 126.

Therefore, the Court reviewed the documents submitted by Defendants as well as Defendants' privilege log. The Court's rulings are as follows:

Bates Number	Ruling
DEF 01721	Not privileged. Produce.
DEF 01984	Not privileged. Produce.
DEF 02006 to DEF 02012	Privileged.
DEF 02015	Produce in redacted form as noted.
DEF 02016	Privileged.
DEF 02025	Privileged (duplicate of DEF 02016).
DEF 02030	Redactions okay. Produce as is.
DEF 02113	Privileged.
DEF 02114	Privileged (duplicate of DEF 02113).
DEF 02115	Privileged (duplicate of DEF 02113).
DEF 02116 to DEF 02122	Privileged.
DEF 02127	Privileged.
DEF 02128 to 02130	Privileged.
DEF 02151	Deferred - further information needed.
DEF 02152	Deferred - further information needed.
DEF 02153 to DEF 02156	DEF 02153-54: Deferred - further information needed. DEF 02155-56: Privileged.
DEF 02157	Deferred - further information needed.
DEF 02158	Deferred - further information needed.
DEF 02159 to DEF 02166	DEF 02159-60: Deferred - further information needed. DEF 02161-66: Privileged.

DEF 02167	Privileged.
DEF 02174 to DEF 02176	Deferred (page missing; document incomplete).
DEF 02177	Deferred - further information needed.
DEF 02178	Deferred - further information needed.
DEF 02179 to 02183	DEF 02179-80: Deferred - further information needed. DEF 02181-83: Privileged.
DEF 02184 to DEF 02187	Privileged.
DEF 02203	Privileged.
DEF 02204 to DEF 02205	Privileged.
DEF 02206 to DEF 02208	Privileged.
DEF 02209	Privileged.
DEF 02229	Privileged.
DEF 02230	Privileged (duplicate of DEF 02229).
DEF 02231	Deferred - further information needed.
DEF 02232	Deferred - further information needed.
DEF 02233 to DEF 02237	DEF 02233: Deferred - further information needed. DEF 02234-37: Privileged.
DEF 02238 to DEF 02240	Privileged.
DEF 02241 to DEF 02242	Privileged.
DEF 02323	Deferred - further information needed.
DEF 02324	Deferred - further information needed.
DEF 02327	Deferred - further information needed.
DEF 02328	Deferred - further information needed.
DEF 02329	Deferred - further information needed.
DEF 02330	Deferred - further information needed.
DEF 02331	Deferred - further information needed.

DEF 02502 to DEF 02503	Produce in redacted form as noted.
DEF 02504 to DEF 02505	Produce in redacted form as noted.
DEF 02507 to DEF 02510	Privileged.
DEF 02514	Privileged.
DEF 02515 to DEF 02519	Privileged.
DEF 02520	Privileged.
DEF 02521 to DEF 02525	Deferred - further information needed.
DEF 02537 to DEF 02538	Privileged.
DEF 02546 to DEF 02549	DEF 02546-47: Deferred - further information needed. DEF 02548-49: Privileged.
DEF 02583 to DEF 02584	Privileged.
DEF 02588	Deferred - further information needed.
DEF 02590	Deferred - further information needed.
DEF 02593 to DEF 02604	Privileged.
DEF 02605 to DEF 02611	DEF 02605-06: Deferred - further information needed. DEF 02607-11: Privileged.
DEF 02613 to DEF 02618	Privileged.
DEF 02621	Redactions okay. Produce as is.
DEF 02627	Deferred - further information needed.
DEF 02628	Deferred - further information needed.
DEF 02629 to DEF 02633	DEF 02629-30: Deferred - further information needed. DEF 02631-33: Privileged.
DEF 02639	Privileged.
DEF 02642	Privileged.
DEF 02648 to DEF 02651	Privileged.
DEF 02671 to DEF 02679	Privileged.

DEF 02687 to DEF 02689	Produce in redacted form as noted.
DEF 02693	Redactions okay. Produce as is.
DEF 02705	Redactions okay. Produce as is.
DEF 02708	Redactions okay. Produce as is.
DEF 02712	Privileged.
DEF 02713 to DEF 02714	Privileged.
DEF 02715	Privileged.
DEF 02716	Privileged.
DEF 02717	Privileged.
DEF 02718	Privileged.
DEF 02724	Privileged.
DEF 02726	Privileged.
DEF 02727	Deferred - further information needed.
DEF 02732 to DEF 02735	Privileged.
DEF 02736 to DEF 02738	Privileged.
DEF 02739 to DEF 02741	Privileged.
DEF 02742 to DEF 02743	Privileged.
DEF 02744	Privileged.
DEF 02745 to DEF 02746	Privileged.
DEF 02751	Privileged.
DEF 02821	Deferred - further information needed.
DEF 02822	Privileged.
DEF 02912 to DEF 02913	Privileged.
DEF 02914 to DEF 02915	Privileged.
DEF 02916 to DEF 02917	Privileged.
DEF 02918 to DEF 02920	Privileged.

DEF 02921 to DEF 02969	Privileged.
DEF 02970 to DEF 02971	Deferred - further information needed.
DEF 02972 to DEF 02973	Deferred - further information needed.
DEF 03027 to DEF 03028	Privileged.
DEF 03029 to DEF 03030	Privileged.
DEF 03081 to DEF 03083	Privileged.
DEF 03084 to DEF 03085	Deferred - further information needed.
DEF 03087 to DEF 03089	Redactions okay. Produce as is.
DEF 03095	Privileged.
DEF 03096	Privileged (duplicate of DEF 3095).
DEF 03144 to DEF 03145	Privileged.
DEF 03146 to DEF 03147	Privileged.
DEF 03197	Privileged.
DEF 03198	Privileged.
DEF 03199	Privileged.
DEF 03200 to DEF 03206	Deferred - further information needed.
DEF 03207	Privileged (duplicate of DEF 3095).

Where the Court has indicated “Deferred - further information needed,” the Court is unable to make a privilege determination based on the information provided to date. If Defendants wish to maintain the privilege, they must submit further information explaining the basis for the claim of privilege. Counsel for Defendants is to submit a letter containing this within 10 days. Where the Court has indicated that Defendants are to “Produce in redacted form as noted,” the Court is mailing a copy of the document with the Court’s notations to counsel for Defendants.

A status conference is scheduled in this matter for June 27, 2012 at 3:30 p.m. to discuss the remainder of the pre-trial schedule in this case.

SO ORDERED.

Dated: Central Islip, New York
June 5, 2012

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge